

REMARKS

Claims 17-36 are pending in the application. Claims 17-36 stand rejected.

Applicants request further review and examination in view of the claimed amendments and following remarks.

Claim Rejections – 35 USC §§ 102 / 103

Claims 17-27 and 29-34 stand rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,343,287 to Kumar. Claim 28 stands rejected under 35 U.S.C. § 103(a) over Kumar in view of U.S. Patent No. 6,473,851 to Plutowski. Claims 35 and 36 stand rejected under 35 U.S.C. 103(a) over Kumar in view of “A Publish/Subscribe COBRA Persistent State Service Prototype. Middleware 2000:IFIP/ACM International Conference on Distributed Systems Platforms,” New York, N.Y. U.S.A., April 2000 herein referred to Liebig. Applicants traverse these rejections.

Claim 17 recites in part:

wherein the operating system includes a database management program that is integrated with a file system and the operating system is configured to store data in the file system as file streams, and generate items associated with the file streams in the database management program.

Applicants submit that Kumar fails to teach such subject matter. As was stated in the previous response, in embodiments of the present disclosure, when the operating system receives a request to save data for applications, a database management program portion of the file system can create items indicative of the data and the underlying data, e.g., the files, can be stored in the file system. This is significantly different than a traditional file system and the Examiner’s arguments seem to gloss over these differences. (See, e.g., Office Action at p. 11 stating that kernel mode, user mode, and database management programs are known). The claim states “the operating system includes a database management program that is *integrated* with a file system.” (Emphasis added). The Office Action fails to cite a reference that teaches or suggests such subject matter. Kumar makes use of an operating system to access user application data and describes a database management program however nothing

in Kumar says that the database management program *is part of the operating system* or if the database management program is *integrated* with a file system.

The Office Action alleges that such features are known to be part of an operating system such as Windows. (Office Action at p. 11). Applicants disagree. Applicants submit that the Examiner has not provided any evidence showing that such features are generally known to Windows or provided evidence showing that Windows necessarily includes such features. Instead the Examiner speculates. (Office Action at p. 11). An operating system such as Windows will have a file system and a user can install a database management program on the operating system, however the operating system will not necessarily have a database management program or have a database management program that is integrated with the file system.

More specifically, instead of having a database management program that is integrated with a file system, the art cited by the Examiner shows an operating system that can have a database management program installed on it. The operating system cited by the Examiner has a file system that can store files that can be interpreted by an executing instance of a database management program. The database management program, that is, the instructions that effectuate database management program are not part of the instructions that effectuate the operating system and the database management program files are merely stored like any other files by the operating system. While the database management program relies on the operating system, it is not part of it. To make such an argument would be incorrect because it would be tantamount to saying that a digital picture viewing program, a video game program, a word processor program, or any other piece of software that is installed on an operating system is a part of the operating system. Accordingly, for at least these reasons Applicants respectfully request reconsideration of the rejection of claim 17.

Insomuch as dependent claims 18-36 depend directly or indirectly from independent claim 17 they too patentably define over Kumar for at least the reasons stated above with respect to claim 17. Accordingly, Applicants respectfully request reconsideration of the rejections of claims 18-36.

DOCKET NO.: MSFT-2733/305587.01
Application No.: 10/646,575
Office Action Dated: July 8, 2008

PATENT

CONCLUSION

Applicants request the Examiner reconsider the rejections and issue a Notice of Allowance of all the claims.

Date: January 7, 2008

/David M. Platz/

David M. Platz

Registration No. 60,013

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439